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Remarks:

Regarding the Examiner's objection to the specification:

Please amend the paragraph at page 10 of the applicant's specification as follows:
"Most preferably, the device is used at a convenient portion of the interior of an automatic washing machine. Preferred portions include. Generally the device is easily accessible and clearly visible. The front part of the upper rack is preferred."

The amended paragraph should now read:

"Most preferably, the device is used at a convenient portion of the interior of an automatic washing machine. Preferred portions include. Generally the device is easily accessible and clearly visible. The front part of the upper rack is preferred."

Regarding the Examiner's objection to claim 4:

The amendments to claim 4 entered in this paper are believed to address and overcome the Examiner's objection.

Regarding the Examiner's rejection of claim 15:

The amendments to claim 15 are believed to address and overcome the Examiner's rejection. Full support is found in the applicant's specification, viz. para. [0030] of applicant's published specification US 2006/0157084 A1.

Regarding the Examiner's rejection of claims 1-10, 12, 15-6 and 20 under 35 USC 102(b) in view of EP 0576234 to Hawkes (hereinafter simply "Hawkes"):

The applicant respectfully traverses the Examiner's rejection of the indicated claims over the Hawkes reference, particularly in view of the amended claims presented in this paper.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under §103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459]

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(1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "... to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

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The Hawkes article fails to disclose an automatic washing machine detergent dispensing device such as is presently provided by the applicants, which anticipates or for that matter suggests the currently claimed invention. Hawkes provides:

5 The device of the invention is for dispensing at least one detergent or laundry treatment tablet. As an essential feature the device comprises a sleeve having elastic properties so that it is capable of conforming tightly to the tablet and it must when thus conformed to the tablet allow water to pass thereto.

10 Advantageously the device can have a degree of rigidity sufficient to stop the device lodging in the door when only one tablet is present. The rigidity also hinders the tablets from lodging when two or more tablets are present.

15 However, this degree of rigidity is not essential when two or more tablets are present as the ability of the device to conform to the shape of the tablets and thus hold them tightly stacked together produces a rigid object sufficiently large to prevent lodging.

20 However, in a preferred embodiment of the invention a minimum degree of rigidity is desired to prevent or substantially reduce the empty device from "posting" i.e. passing between the inner and outer drums of the washing machine and becoming trapped there.

which article is constructed to provide for the dual benefits of (a) rapid release of the detergent tablets in the laundry wash liquor, and at the same time (b) ensuring that the article does not allow for a detergent tablet falls in the door of the washing machine.

Hawkes clearly contemplates that his detergent tablets are readily dissolved and their constituents delivered to the laundry wash liquor as he shortly thereafter notes:

25 The device must allow water to flow to the tablet, hence it must have holes or pores. According to a highly preferred embodiment the device is a mesh network. The mesh network should be designed so it is expansible in width allowing the insertion of a tablet but relatively rigid in length so that the tablet cannot easily escape from the device during the wash cycle. This requirement is met by a mesh having diamond shaped holes in which the longer dimension of the diamonds is parallel to the longitudinal axis of the device, however it is envisaged that other mesh types could also provide the required properties.

Hawkes also notes that:

35 In use the tablets are inserted through one opening into the device. The arrangement of the diamond shaped holes is such that the longer dimension of the diamonds being parallel to the longitudinal axis of the device, and thus causes the device to easily expand in width to accommodate the tablets, but to remain relatively rigid in length so that the tablets are supported and can not easily fall out through the openings. The device containing the tablets is placed with the wash load into the drum of a washing machine and a normal washing cycle is followed.

From the foregoing it is amply clear that Hawkes teaches a flexible sleeve designed to provide no real resistance or barrier between any part of the tablets which they encase in order to limit contact between the tablet surfaces when contacted with water in order to limit the dissolution characteristics of the tablets for any reason whatsoever.

Furthermore it is clear from review Hawkes' figures and from considering his "Example 1" that all surfaces of his cylindrical tables would be immersed in the wash liquor of a

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front loading washing machine, and during such immersion all surfaces would be exposed to water and dissolution at such time, causing the uniform erosion and diminution of the volume of the tablet as all surfaces were simultaneously eroded over the 18 cycles of use. A skilled artisan would readily understand that such would also provide a significant degree of variance in the dosing of the active chemical constituents provided in the tablet which dosing would be greatest in the first few wash cycles and which would correspond to the greatest available surface area/volume of the tablet being immersed, to the minimal dosing which would be expected in the last few wash cycles which would correspond to the minimum available surface area/volume of the table being immersed in the laundry wash liquor. Such would not nor could not provide for the more uniform detergent dosing behaviour provided by the applicant's currently claimed articles.

Accordingly, reconsideration of and withdrawal of the rejection of the current claims in view of the Hawkes reference is solicited.

An early indication of the allowability of the present application and claims, by issuance of a *Notice of Allowance and Issue Fee* due is respectfully requested.

Should the Examiner believe that telephonic communication will advance the prosecution of the present application they are invited to telephone the undersigned at their convenience.

PETITION FOR A ONE-MONTH EXTENSION OF TIME

The applicants respectfully petition for a one-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

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CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including any extension of time fees, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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07 April 2008

Date:

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:

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Andrew N. Parfomak

07 April 2008

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